[2nd November 1962

Distribution of lands

*239 Q.—SRI A. K. THANGAVEL MUDALIAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is any proposal to acquire lands from the owners who are keeping their lands uncultivated in villages and to distribute these lands to the landless agriculturists; and

(b) if so, the stage at which the matter now stands ?

THE HON. SRI V. RAMAIAH : (அ) அத்தகைய உத்தேசம் எதுவும் இல்லை.

(ஆ) இக்கேள்வி எழவில்லை.

திரு. எ. கே. தங்கவேல் முதலியார் : மக்கள் நலனடைய கடவுள் மண்ணைப் படைத்திருக்கிறார். அது சும்மா கிடப்பது சர்க்காருக்குத் தெரியுமா ?

கனம் திரு. வி. ராமையா : அந்தத் தத்துவ அடிப்படையில் தான் இப்போது 'லேண்ட் சிலிங்' பில் வந்திருக்கிறது.

MR. CHAIRMAN : Questions are over.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the member.]

II.—ANNOUNCEMENT *RE* MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN : I have received messages from the Hon. Speaker, Madras Legislative Assembly, transmitting copies of the following Bills, as passed by the Assembly, for the concurrence of the Council :—

(1) The Madras Agricultural Income-tax (Second Amendment) Bill, 1962 (L.A. Bill No. 24 of 1962).

(2) The Madras Local Authorities (Extension of Term of Office of Members) Bill, 1962 (L.A. Bill No. 18 of 1962).

I have also received a message from the Hon. Speaker, Madras Legislative Assembly, transmitting a copy of the Madras (Added Territories) Extension of Laws Bill, 1962 (L.A. Bill No. 16 of 1962), as passed by the Assembly, for the recommendation of the Council and certifying that the Bill is a Money Bill within the meaning of Article 199 of the Constitution of India.

III.—GOVERNMENT BILLS.

3-30 p.m. (1) THE MADRAS PAYMENT OF SALARIES AND REMOVAL OF DISQUALIFICATIONS (AMENDMENT) BILL, 1962, (L.A. BILL NO. 15 OF 1962).

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

'That the Madras Payment of Salaries and Removal of Disqualification (Amendment) Bill,[a] 1962 (L.A. Bill No. 15 of 1962), as passed by the Assembly, be taken into consideration'.

[a] Printed as Appendix V on pages 96—98.

2nd November 1962] [Sri R. Venkataraman]

Sir, sections 3, 4 (1) and 5 (1) of the Madras Payment of Salaries and Removal of Disqualifications Act, 1951 (Madras Act XX of 1951) provided for the payment to the Ministers, the Speaker of the Legislative Assembly and the Chairman of the Legislative Council, of a house rent allowance of two hundred and fifty rupees per mensem; but the house rent allowance is not payable to any Minister, the Speaker or the Chairman if he occupies a house provided by the State Government free of rent. Furniture and other amenities are also provided in the residences of Ministers, the Speaker and the Chairman with reference to executive orders issued by the State Government. It is proposed to amend the Act so as to give statutory effect to the supply of such furniture and providing of amenities, as desired by the Accountant-General.

Sub-section (1) of section 5 of the Act provides for the payment to the Chairman of the Legislative Council of a salary of one thousand rupees per mensem, a house rent allowance of two hundred and fifty rupees per mensem and a conveyance allowance of two hundred and fifty rupees per mensem. But the house rent allowance is not payable, if the Chairman occupies a house provided by the State Government free of rent. Under section 7 of the Act, suitable conveyance is provided for the use of the Chairman subject to such rules regarding its maintenance and repair as may be made by the State Government. The Chairman is also entitled to travelling and daily allowances under section 8 and with reference to the rules made under section 9 of the Act. According to section 9-A of the Act, while the office of the Speaker is vacant and the duties of the office are performed by the Deputy Speaker or a Member of the Legislative Assembly, the Deputy Speaker or the Member shall, during the period he so performs such duties, be paid salary and allowances of the Speaker and be entitled to avail himself of the other privileges attached to the office of the Speaker. It is proposed to make similar provision in the Act in regard to the Deputy Chairman or a Member of the Legislative Council appointed to perform the duties of the office of the Chairman as provided in clause (1) of Articles 184 of the Constitution.

Under section 10 of the Act, a Minister and the members of his family are entitled free of charge, to accommodation in hospitals maintained by the State Government and also ti medical treatment, subject to such conditions as may be determined by the rules made by the State Government. It is proposed to extend to the Speaker and the Chairman the facilities that are admissible to the Ministers under section 10 of the Act.

A new sub-section (3) is proposed to be inserted in section 12 of the Act providing that every Member of the Legislative Assembly or of the Legislative Council (other than Ministers, etc.) will be entitled to hostel accommodation subject to the conditions which

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the State Government may specify in the rules. The charge for such accommodation will not, in any case, exceed three rupees per day.

There is no provision now in the Act for giving free medical treatment to the Members. The Government have now taken power under sub-section (4) to be inserted in section 12 to make rules specifying the conditions subject to which and the period during which a member of the Legislature will be entitled, free of charge, to accommodation in hospitals maintained by the State Government and also to medical treatment.

The salary drawn by the Members of the State Legislature is not treated as income for the grant of the following educational concessions to their children :

(*a*) Educational concession under Rule 92 of the Madras Educational Rules;

(*b*) Harijan Welfare Scholarships; and

(*c*) Educational concessions under the scheme of financial assistance to the children of political sufferers.

The concessions mentioned above are already availed of by the Members of the State Legislature with reference to the executive orders of Government. Under new sub-section (5) proposed to be inserted in section 12, the salary of a Member will not be taken into account for the purpose of calculating the total income of such member under any rule or order relating to the grant of educational concession or scholarship or to such other matters as the State Government may specify in the rules.

Sir, I commend the Bill as passed by the Assembly, for the consideration of this House.

MR. CHAIRMAN : Motion moved—

'That the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1962 (L.A. Bill No. 15 of 1962), as passed by the Assembly, be taken into consideration'.

SRI T. P. SRINIVASAVARADAN : Mr. Chairman, Sir, in supporting the Bill, I would like to have clarification from the Hon. Minister in charge of the Bill on one or two points. In explaining the amendment to section 12 of the Act, the Hon. Minister said that 'Every member referred to in sub-section (1) shall subject to such conditions and during such period as may be determined by rules made by the State Government, be entitled, free of charge to accommodation in hospitals maintained by the State Government and also to medical treatment'. Am I right in understanding that the Members are entitled free of charge to accommodation and also medical treatment ? I would also like to know what the Government mean by saying 'subject to conditions' and 'such period as may be determined'.

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Again, it is stated that the salary referred to in clause (a) of sub-section (1) shall not be taken into account for the purpose of calculating the total income of a member under any rule or order relating to grant of educational concession or scholarship or to such other matters as may be specified by rules made by the State Government. I think this has been in existence for the past few years and is not a new thing. I would like to know what this means. I would also like to know what the expression 'or such other matters as may be specified' means. Is it intended to restrict the free medical treatment referred to in the earlier paragraph? Are the Government going to fix any limit to the income including the salary which they get as Members of the Legislature?

Sir, I welcome this measure, of course, and I hope the Hon. Minister will give the clarification required and that will help us.

Sri K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, I am glad that the same concessions that are given to the Hon. Ministers are to be extended to the Members of the Legislature because most of us are also Members and Chairman was also a Member before election to the Chair. Of course, after election, he does not belong to any party but continues to be a Member of the Council. It is, therefore, good that the concessions are extended to the Members of the Legislature also instead of confining them to the Speaker or the Deputy Speaker and the Chairman and Ministers and so on, and this is to be welcomed.

I would, however, like to refer to one or two points. In amendment to section 6-A it is stated 'that such cost shall not exceed such limits as may be prescribed'. This is in respect of furnishing the quarters of the Ministers, Chairman and Speaker. But when they come to the Members, they say: 'that the charge for such accommodation shall in no case exceed three rupees per day.' As it is done here, why not put the maximum cost in the Statute itself in the other case also instead of leaving it to the discretion of the Government? They could prescribe the limit in the statute itself and that would be better as they have done in the case of the hostel accommodation.

In regard to medical treatment, I would like to know what they mean by medical treatment. There is some difficulty here. Is consultation free? Are they going to give medicine also free? Treatment includes also prescription of medicine and are they going to give medicines free of cost, even if they are costly medicines? 'Medical treatment' should be defined at least under the rules. So far as I understand, there are certain differences in rules relating to the Gazetted and non-gazetted government servants. Therefore, we must be precise as to what this 'medical treatment' means. If one is in the hospital, of course, medicines might be given free. But one might require treatment and medicine during convalescing period. Will there be free supply of medicine then also? There might be difficulties in such cases. Therefore, there

should be some provision here or under the rules defining 'Medical treatment'. The Ministers and the members of their families are also entitled to free medical treatment. Why not the members
2-40 p.m. of the families of the legislators also be included? 'Family' may be defined. It may be that family includes wife and children. When free medical treatment is given to the Ministers, the Chairman, and the Deputy Chairman, the concession may be given also to the members of the legislature and their families. There is no provision for this in this Bill so far as I can see. Otherwise, I welcome this Bill.

SRI G. KRISHNAMOORTHY : Sir, I welcome this Bill though with a sad feeling that my brother teachers have not yet been given this medical concession. I want to stress the point put forth by the hon. the Deputy Leader of the Opposition that the members of the family of a member of the legislature also should be extended this free treatment. Even in the case of the non-gezetted officers and gazetted officers and Central Government servants, the members of their families are included for this purpose. We are thankful to the Government for having extended the concession to the members of the legislature without our asking for it. But, at the same time, if really the Government think that the lean purse of the members of the legislature cannot afford to pay for their medical treatment—medical treatment is becoming costlier day by day—it will be difficult for them to pay for the medical treatment of the members of their families also. The Government should bring these people also within the scope of medical concession, and that would be a help to the members of the legislature This is my point.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, so far as the point raised by Sri Srinivasavaradan is concerned, the Government propose to make the rules only hereafter. Actually the suggestion that the facility should be extended to the Members arose in the course of the discussion, and immediately the Government accepted the suggestion and put it in the legislation so that the Government might think over this and frame the necessary rules and regulations. Therefore, the suggestion made by hon. Members will be borne in mind in framing the rules.

So far as the point raised by the hon. the Deputy Leader of the Opposition is concerned, I wish to state that in clause 2 of this Bill the ceiling is not fixed. But the limit is left to be fixed in the rules to be framed in respect of the furniture allowance to the houses of the Ministers, the Chairman, and others. In fact. I did not want to give the figure which has been prescribed by the Madras Government. It is far less than what is given even to a Member of Parliament! (An hon. Member : What is the amount fixed for a Member of Parliament?) I would not give that figure. Having been a Member of Paliament, I had occasion to compare the figures. It is only to see that we do not spend too much on it, that the limit is prescribed in the rules.

On the other hand, if hon. Members refer to clause 6, it will be seen that a limit to Rs. 3 per day is fixed. This is fixed in the statute itself and not left for being prescribed in the rules. This is only to prevent Members from being charged more than Rs. 3. That is why it is included in the statute itself. This is only to prevent members of the legislature from any undue charges by an executive mistake. That is why in clause 6 we have stated that no member of the legislature shall be charged more than Rs. 3 for housing accommodation. In clause 2 of the Bill we have stated that the furniture allowance to these officers shall not be more than what may be prescribed.

Then, as regards the next point raised by Sri K. Balasubramanya Ayyar with regard to the cost of medicines and the nature of the treatment intended to be given, I wish to submit that this will be taken into account when framing the rules. At present as I said, the suggestion was accepted on the floor of the House, and therefore we have had no time to think about all the various conditions. Certain States, where medical facilities have been given to the members of the legislature, have confined this concession only to the period during which the Assembly or the Council sits. Whether we should be so restrictive, is a matter for consideration. The Government have not yet taken a decision on this. They will take all these circumstances into account. That is why we have said, ' under such conditions and for such period as may be prescribed '.

Lastly, about the extension of the facility to the members of the families of the legislators, the principle on which the medical concession is extended to the members of the families of the officers, Ministers, Chairman and Speaker, is that they are whole-time officers and that they cannot devote themselves to any other profession. But the members of the legislature are people engaged in other walks of life and are earning in other employment. Therefore it is that we have not made any special provision for the families of the members. It is not as if Ministers and officers of Legislature should be protected against sickness and that the members of the legislature need not be protected against sickness. It is because they are whole-time servants of the Government and the others are only non-officials who can engage themselves in other professions, that this facility is confined to the former.

Sir, I am glad that the House has welcomed this Bill. I am also glad that the facilities available to the Ministers have been exetended to other important officers of the legislature like the Speaker and the Chairman. I trust that this Bill will be accepted unanimously.

MR. CHAIRMAN : The question is—

' That the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 962 (L.A. Bill No. 15 of 1962), as passed by the Assembly be taken into consideration. '

The motion was put and carired and the Bill was taken into consideration.

Clauses 2 to 7 and 1 were put and carried.

The Preamble was put and carried.

THE HON. SRI R. VENKATARAMAN: Mr. Chairman, I move—

'That the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1962 (L.A. Bill No. 15 of 1962), as passed by the Assembly, be passed.'

MR. CHAIRMAN: The question is—

'That the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1962 (L.A. Bill No. 15 of 1962), as passed by the Assembly, be passed'.

The motion was put and carried and the Bill was passed.

(2) THE MADRAS INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS) AMENDMENT BILL, 1962 (L.A. BILL NO. 17 OF 1962.

* THE HON. SRI R. VENKATARAMAN: Mr. Chairman, Sir, I move—

'That the Madras Industrial Establishments (National and Festival Holidays) Amendment Bill, 1962[a] (L.A. Bill No. 17 of 1962), as passed by the Assembly, be taken into consideration'.

The Government of India and this Government have been declaring 2nd October as a paid holiday in industrial undertakings of the State. The State Labour Advisory Board at its meeting in August 1962 unanimously recommended that 2nd October, viz., Gandhi Jayanthi, should also be included as a National holiday under the Madras Industrial Establishments (National and Festival Holidays) Act, 1958, increasing the total number of holidays from 7 to 8. The Board further recommended that the establishments already declaring 8 or more as holidays may substitute 2nd October in lieu of one of the existing festival holidays in consultation with the workers. This Government have accepted the recommendations of the Board. Legislation is, therefore, necessary to give effect to the decision. The Bill provides for declaring 2nd October as a compulsory national holiday. The Bill also provides for curtailing by one holiday if in any industrial establishment the number of holidays for festivals which any employee is entitled to on the date on which this Act comes into force exceeds 5, such holiday being specified by the Inspector in consultation with the employer and employees.

(Deputy Chairman in the Chair).

I move that the Bill be taken into consideration.

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a Printed as Appendix VI on pages 98–99.